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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,406	01/22/2002	Harlan T. Beverly	ITL.0702US	5109
7590 09/26/2005			EXAMINER	
Timothy N. Trop TROP, PRUNER & HU, P.C.			TAYLOR, NICHOLAS R	
STE 100	ck & HU, P.C.		ART UNIT	PAPER NUMBER
8554 KATY FWY			2141	
HOUSTON, T	X 77024-1841		DATE MAILED: 09/26/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

*	Application No.	Applicant(s)				
	10/054,406	BEVERLY, HARLAN T.				
Office Action Summary	Examiner	Art Unit				
	Nicholas R. Taylor	2141				
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet v	vith the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a rep - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a sly within the statutory minimum of th will apply and will expire SIX (6) MC e, cause the application to become A	a reply be timely filed irty (30) days will be considered timely. DNTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on <u>05 </u>	luly 2004.					
2a)⊠ This action is FINAL . 2b)□ Thi	s action is non-final.	·				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-32</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.	5) Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>1-32</u> is/are rejected.						
	7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/o	or election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examin	er.					
10)⊠ The drawing(s) filed on <u>22 January 2002</u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the E	xaminer. Note the attache	ed Office Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C.	§ 119(a)-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the price	•	n received in this National Stage				
application from the International Burea * See the attached detailed Office action for a lis		at received				
	tor the contined copies no	reconce.				
Attachment(s)						
1) Notice of References Cited (PTO-892)		Summary (PTO-413) o(s)/Mail Date				
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date 		Informal Patent Application (PTO-152)				
U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Office A	action Summary	Part of Paper No./Mail Date 09192005				

DETAILED ACTION

1. Claims 1-32 have been presented for examination and are rejected.

Response to Arguments

2. Applicant's arguments filed July 5th, 2005 with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 4, 23, 24, and 25 are objected to because of the following informalities:

Grammar errors were introduced by amendment, in claims 23, 24, and 25 the respective use of "to strip", "to prevent", and "to write", and in claim 4 "being read from any of said first buffer". Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claims 31 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 refers to using "a size of the data elements", where it is unclear if it is referring to the "first data element", the "other data elements", or even a randomly selected data element.

Claim 32 refers to using "the data size" where it is unclear to which data the language is specifically referring.

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 1-2, 4-9, 11-12, 14-19, and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung (US Patent 6,490,280) and Janoska et al. (US Patent 6,539,024).
- 8. As per claims 1, 11, and 21, Leung teaches a method comprising:

identifying a first data element to be removed from a data stream including other data elements; (Leung, column 7, lines 12-19)

and preventing the first data element from being read from said first buffer (Leung, column 8, lines 50-65; column 9, line 65 to column 10, line 14; column 10, lines 48-65).

column 5, lines 28-49).

However Leung fails to teach writing said first data element into a first buffer separate from one or more buffers storing the other data elements. Janoska teaches a method for buffering data cells from a data stream (Janoska, column 2, lines 27-41) by putting first data elements in buffers separate from other data elements (Janoska,

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It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Leung and Janoska to provide the buffering system of Janoska in the system of Leung, because doing so would enable efficient buffering memory usage in a network communication system (Janoska, column 1, lines 57-61).

- 9. As per claims 2, 12, and 23, Leung-Janoska teaches the system further wherein identifying a first data element to be removed includes identifying the location of virtual local area network tags within the data stream (Leung, column 7, lines 12-19).
- 10. As per claims 4, 14, and 25, Leung-Janoska teaches the system further wherein preventing the first data element from being read from any of said first buffer includes writing the first data element into the first buffer and then overwriting said first data element in said first buffer with one of said other data elements (Leung, column 9 line 65 to column 10, line 14, and column 10 lines 47-65, wherein the frame length is decreased, so that unwanted data elements are not copied onward to the FIFO and are left to be overwritten).

- 11. As per claims 5, 15, and 26, Leung-Janoska teaches the system further wherein writing the other data elements into one or more buffers includes writing the other data elements into one or more other buffers having a size comparable to the size of said first data element (Leung, column 9, lines 6-38).
- 12. As per claims 6, 16, and 27, Leung-Janoska teaches the system further including producing a contiguous uninterrupted output data stream with said first data element removed (Leung, column 9 line 65 to column 10, line 14).
- 13. As per claims 7, 17, and 28, Leung-Janoska teaches the system further including receiving a data stream including said first data element and said other data elements and distributing said other data elements to a plurality of buffers (Leung, column 9 line 65 to column 10, line 14).
- 14. As per claims 8, 18, and 29, Leung-Janoska teaches the system further including reading said other data elements out of said plurality of buffers through a multiplexer to generate a contiguous data stream (Leung, column 9 line 65 to column 10, line 14).
- 15. As per claims 9 and 19, Leung-Janoska teaches the system further including receiving a data unit that includes two data elements, storing one of said two data elements in a first buffer and the other of said two data elements in a second buffer

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(Leung, column 9, lines 6-38, wherein multiple data elements of a frame are spread across multiple buffers).

- 16. As per claim 22, Leung-Janoska teaches the system further wherein said system is an Ethernet adapter (Leung, column 3, lines 35-38).
- 17. As per claim 24, Leung-Janoska teaches the system further wherein said control prevents the first data element from being read from any of said buffers (Leung, column 10, lines 48-65).
- 18. Claims 3, 10, 13, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung (US Patent 6,490,280) and Janoska et al. (US Patent 6,539,024), further in view of Morrissey et al. (US Patent 5,553,302).
- 19. As per claims 3 and 13, Leung-Janoska teaches the above yet fails to teach wherein preventing the first data element from being read from said first buffer includes preventing said first data element from being written to any of said one or more buffers.

Morrissey teaches a frame transfer system that prevents specified data elements from being written to buffers in providing a continuous data stream (Morrissey, column 7, lines 4-17). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Leung-Janoska and Morrissey to provide the write prevention of Morrissey in the system of Leung-Janoska, because doing so would

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enable enhanced system throughput of continuous data streams (Morrissey, column 1, lines 27-30).

20. As per claims 10, 20, and 30, Leung-Janoska teaches the above yet fails to teach including outputting one of said two data elements through a first multiplexer and outputting the other of said data elements through a second multiplexer.

Morrissey teaches a frame transfer system that sends different data elements through first and second multiplexers (Morrissey, column 13, lines 42-49). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Leung-Janoska and Morrissey to provide the write prevention of Morrissey in the system of Leung-Janoska, because doing so would enable enhanced system throughput of continuous data streams (Morrissey, column 1, lines 27-30).

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-

3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm,

with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number

for the organization where this application or proceeding is assigned is (703) 305-3718.

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Nicholas Taylor Examiner Art Unit 2141

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